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Fifty-fourth session
Item 7 of the provisional agenda

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Written statement submitted by the Transnational Radical Party, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[19 February 1998]

The situation in East Timor

1. The case of East Timor is well known by the international community and it is an issue which continues to be brought to the attention of peoples and Governments who adhere to the principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights.

2. Even today, more than 50 years after the Bandung Conference and almost 40 years after the adoption of General Assembly resolutions 1514 (XV) on the declaration on the granting of independence to colonial countries and peoples and 1541 (XV) dealing with information concerning "territories whose peoples have not yet attained a full measure of self-government", East Timor continues to be regarded as a non-self-governing territory. After being colonized by a European country for almost four centuries, East Timor continues to be subjugated by foreign domination against the wishes of the East Timorese people. More than 22 years ago Portugal initiated the process of decolonization of East Timor, which was brutally interrupted by the invasion and consequent annexation by Indonesia.

3. Indonesia's occupation of East Timor contravenes the right to self-determination of the East Timorese people as it is recognized by the United Nations and is legally beyond question. The General Assembly and the Security Council have adopted a total of 10 resolutions on the question of East Timor, all reaffirming the right to self-determination. In its ruling of 30 June 1995 on the Case Concerning East Timor, Portugal v. Australia, the International Court of Justice stated that this right has an erga omnes character and that the people of East Timor are entitled to it.

4. Yet for 22 years the Government of Indonesia has persisted in violating its international obligations. However, this does not in any way diminish the inalienable right of the Timorese as a people to self-government. Moreover, the brutal treatment of the people, which has resulted in the death of one third of the population, strengthens not only the claim for self-government, but also the obligation of the international community, and particularly of the United Nations, to take measures to ensure its full and free realization.

5. In spite of the adoption by the United Nations of no less than 10 General Assembly and Security Council resolutions condemning Indonesia's invasion and illegal occupation of East Timor, each year we hear Indonesia's allegation, in the Commission on Human Rights and in other international fora, that the East Timorese have already exercised their right to self-determination and are now living happily with greater opportunities and liberties with Indonesia.

6. Indonesia claims that the East Timorese were already given four chances to exercise their right to self-determination, including:

(a) The so-called Balibo Declaration by four Timorese political parties, which was in fact forcedly signed on Bali beach, not in East Timor;

(b) The resolution of the so-called Regional Popular Assembly, staged in Dili;

(c) The petition to the Indonesian President and Parliament;

(d) Indonesia's so-called fact-finding mission to East Timor which sealed East Timor as its so-called twenty-seventh province.

7. However, neither of the above-mentioned meets the requirements of Principle IX of the annex to General Assembly resolution 1541 (XV) of 15 December 1960 which states:

> "(a) The integrating territory should have attained an advanced stage of self-government with free political institutions, so that its peoples would have the capacity to make a responsible choice through informed and democratic processes;
>
> (b) The integration should be the result of the freely expressed wishes of the territory's peoples acting with full knowledge of the change in their status, their wishes having been expressed through informed and democratic processes, impartially conducted and based on universal suffrage. The United Nations could, when it deems necessary, supervise these processes."

8. Both the resolution of the Popular Assembly and the petition are not acceptable under Principle IX. The participants of the Popular Assembly were reportedly taken from the streets and instructed on what to do and say. There is no evidence that they made an informed act or had a free choice.

9. In addition, the former Governor of East Timor appointed by Indonesia, Mr. Guilherme Goncalves, one of the signatories to the Balibo Declaration, publicly denounced this Declaration during the first All-inclusive Intra-East Timorese Dialogue (AIETD) organized by the United Nations. Subsequently he was prevented by Indonesia from participating in the second Intra-East Timorese Dialogue.

10. The Indonesian Government also claims that its illegal presence in East Timor and its oppressive policies result in socio-economic development which is for the benefit of the East Timorese. The economic doctrine of Indonesia in this case is popularly characterized by the word "Pembangunam", which means development and constitutes Indonesia's list of supposed achievements for the East Timorese.

11. In his Master's thesis entitled "Pembangunam or Colonialism - Administering Development in East Timor" presented at Murdoch University (Western Australia), Rui Augusto Gomes, a Timorese and former public servant of the Department of Statistics of the Provincial Government of Dili (East Timor), explains the Indonesian theory of development. Rui Gomes has since sought asylum in Portugal for fear of repercussions over his critique of the Indonesian Government's policy in East Timor.

12. Rui Gomes' thesis clearly refutes Indonesia's widely used argument such as the allegation that they have done much more for East Timor in 20 years of occupation than the Portuguese were able to do in four centuries. Although Gomes states that there has been "impressive achievements since 1975" which includes "... the construction of 2,500 kilometres of new roads, with

some 700 kilometres already asphalt-surfaced ... 579 elementary schools, 71 high schools, of which 24 are run by the Catholic Missions, one new polytechnic ...", he also poses the important question of who has really benefited from the development.

13. Figures from Bappeda dan Statistik for example show that East Timor's gross domestic product (GDP) between 1983 and 1986 was almost 6 per cent per annum. This represents a growth rate of about 50 per cent faster than Indonesia's growth rate. Further East Timor's economy grew at 11.64 per cent in 1990, substantially higher than Indonesia's GDP of 7.37 per cent in the same period.

14. Although these figures are impressive, they veil the real situation of the majority of East Timorese, as the Indonesian migrants are those who have really benefited from these improvements. For the East Timorese, Pembangunam and the apparent achievements have not brought about any structural changes and it should be noted that agriculture continues to represent 50 per cent of the GDP. The high cost of living also means that East Timor has the lowest GDP per capita and the majority of East Timorese have a lower standard of living because the cost of living is much higher than the wages and salaries.

15. Mr. Gomes further states that these figures indicate "... that in two decades of Mr. Suharto's rule of East Timor, his Pembangunam strategy had only produced a richer minority (mostly migrants) in a deprived colony ...", and concludes that "whilst Pembangunam has occurred in the interest of migrants, for the East Timorese Pembangunam has perpetuated a new form of colonialism through the reconfiguration of the landscape and its peoples".

16. The policy of population transfer inside East Timor and the transmigration of Indonesians from Java, Madura, Macassar and other Indonesian islands to East Timor also constitutes a major concern. It is estimated today that there are about 300,000 Indonesian transmigrants in East Timor, the majority of which occupy positions in the civil service, in Dili, and the rest are farmers who have taken over ancestral lands which used to belong to East Timorese. This figures does not include unofficial migrants who outnumber official ones, nor the 20 to 30 battalions, each comprising about 700 soldiers and their relatives. The occupation by the Indonesian transmigrants of the best administrative posts in the public administration is contributing to the creation of an idea that the transmigrants, particularly the Javanese, are superior to the East Timorese.

17. It should also be noted that the high influx of transmigrants which has resulted in a high population growth rate created serious environmental problems. Mr. Gomes reports that in essence the East Timorese have been "displaced from their homelands to unfamiliar and fragile environments" whilst their traditional lands are exploited and occupied by the Indonesian transmigrants, elites and the military. Furthermore in an attempt to gain better control over the Timorese Resistance Army (Falintil) "vast areas of formerly natural rainforests have been cleared and damaged ... leaving these areas at risk".

18. As described by Mr. Gomes, the influx of these transmigrants either through the spontaneous or encouraged or Government-sponsored transmigrations has become a process of colonization through land and resource appropriation. The "transmigrants" are located in fertile lands which Timorese have traditionally used for growing rice or vegetables.

19. Although Indonesia excludes UDT and other East Timorese political parties by essentially classifying the East Timorese resistance as a group of the so-called Fretilin rebels, who play on and propagate the supposedly communist threat of the seventies, it needs to be stated that almost 22 years after the Indonesian invasion, the forced annexation of East Timor into Indonesia continues to be unacceptable to the majority of Timorese. And both Indonesia's allegation on self-determination and development mentioned previously cannot veil the gross human rights violations or the killing and/or disappearance of at least 200,000 East Timorese in the last 22 years.

20. In this instance the disregard which Indonesia has shown for the human rights of the Timorese is directly linked to the denial of self-government. This crucial right can only be realized when each and every East Timorese can freely express their own wishes.

21. The Transnational Radical Party therefore fully supports and joins Bishop Ximenes Belo's call for a United Nations supervised referendum to decide the future status of East Timor and will accept and honour the outcome of the referendum, if it is done freely and in accordance with international norms.

22. The Transnational Radical Party also awaits the realization of the next All-inclusive Intra-East Timorese Dialogue, although continuing to express its concern at its artificial nature and in particular the gender disparity in the number of participants, which means that women are being denied the opportunity to influence the future of their country. The Dialogue may be a useful way to involve the East Timorese as the principal interested parties in the process.

23. The award of the Nobel Peace Prize to Bishop Ximenes Belo and Mr. Jose Ramos Horta has brought new hope for the people of East Timor. The Transnational Radical Party hopes that the momentum initiated by the award of the Peace Prize will contribute towards a true act of self-government for the East Timorese and will bring a lasting peace. However, the Transnational Radical Party continues to be extremely concerned that since the award the human rights situation inside East Timor has severely deteriorated and that the Indonesian Government has shown no inclination to find a true solution to the problem, acceptable both to the East Timorese population and to the international community.

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IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Written statement submitted by the Transnational Radical Party, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV)

[19 February 1998]

Question of religious freedom in Tibet

1. The question of religious freedom is not only an issue of individual freedom but also one of collective rights. This is particularly true in the case of a people struggling to preserve an ancient religious tradition when confronted with policies of a totalitarian ruler who attempts to eradicate it. In such situations, the denial of religious freedom violates both individual and collective rights because the ultimate aim of the regime is to destroy the very basis of a rich cultural heritage of a people. This reality exists in Tibet today.

2. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, a subordinate body of the Commission on Human Rights, in its resolution 1991/10 of 23 August 1991 concerning Tibet expressed its concern "at the continuing reports of violations of fundamental human rights and freedoms which threaten the distinct cultural, religious and national identity of the Tibetan people". In recent years, the Special Rapporteur on the question of religious intolerance, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child have all expressed concern on the denial of religious liberties in Tibet.

3. Since the visit of the United Nations Special Rapporteur to Tibet in November 1994, the Chinese authorities have carried out new policies to curtail religious freedom in Tibet. Although religious freedom is supposedly guaranteed under China's Constitution, the Chinese authorities now even say that they want to transform Tibet into an atheist region.

4. For example, in its issue of 26 November 1996, according to an article in Xizang Ribao, an official Chinese newspaper in Tibet, "... the influence of religion and traditional concepts are especially serious. Some cadres and people, instead of fostering lofty communist ideals, regard religious belief as their spiritual pillar; they have no faith in the fact that only under the communist party's leadership and by taking the socialist road can a free, happy life become a reality, but regard turning of the wheel (of Tibetan Buddhism) and burning the incense as the 'magic medicine' for freeing oneself from suffering; they do not rely on science and civilization to transform the objective world, but use religion or superstitious ideas to obstruct the exploitation and utilization of resources; they do not use their wisdom and strength to serve the community and benefit the people, but waste their precious time to pursue the illusory next life; they do not use the limited financial resources to develop production, shake off poverty and become well off, but generously donate them to lamaseries; and they do not let their children receive modern education and become useful people of the country but send them to lamaseries to become monks and nuns".

5. The Chinese authorities launched an unprecedented anti-Dalai Lama campaign after holding the "Third National Forum on Work in Tibet" at Beijing in 1994. Vitriolic attacks on the Dalai Lama subsequently appeared in materials used for political education and in January 1995, the campaign was publicly launched in the official media. By this time what was unusual was not the violence of the language used, but the fact that it criticized the Dalai Lama on religious rather than political grounds. For the first time since 1979, Beijing attacked his religious credibility and suitability for

leadership: "The purpose of Buddhism is to deliver all living creatures in a peaceful manner. Now the Dalai and his clique have violated the religious doctrine and even have spread rumours to fool and incite one people against the other; in what way can he be regarded as a spiritual leader? ... As for Dalai, he has always incorporated 'Tibet Independence' into the doctrines which he preaches in his sermons, ... wildly attempting to use godly strength to poison and bewitch the masses ... Such flagrant deceptiveness and demagogy constitute a blasphemy to Buddhism."

6. In a further attempt to alienate the Dalai Lama from his people and followers of Tibetan Buddhism in this world, on 26 January 1996, an order was issued by the Department of Culture of the so-called "Tibet Autonomous Region" to remove all photographs of the Dalai Lama from Norbulingka and the Potala Palace in Lhasa. The ban was eventually extended to all public institutions and private homes in Tibet.

7. For instance, on 7 May 1996, a Chinese "work team" (gongzuo dui) arrived at Gaden monastery near Lhasa, tasked with removing all photographs of the Dalai Lama. The monks refused to cooperate, sparking off a riot. When Chinese armed security personnel raided the monastery, one monk, Kelsang Nyendrak, died after being shot and five other monks, including 14-year-old Gelek Jinpa, received bullet wounds; 85 to 90 monks were arrested. On 3 June 1997, according to Xizang Ribao, Chinese official newspaper, 14 of these monks were sentenced in 1996 as "criminals" who incited "monks to shout reactionary slogans, organizing illegal demonstrations, smashing up a police sub-station, beating up State functionaries, stubbornly following Dalai clique, (and) vainly attempting to break up the motherland".

8. In April 1996, China launched the "Strike Hard or Crack Down Severely on Crimes" campaign, targeted at crushing corruption and crime. Within Tibet, Chinese authorities had this campaign to focus on "splittists" - individuals who support Tibetan freedom and the leadership of the Dalai Lama. The main sub-campaign of "Strike Hard" within Tibet is the so-called "Patriotic Re-education Campaign" and following campaigns, such as that of banning photographs of the Dalai Lama, aimed at stifling politically restive monks and nuns.

9. The re-education campaign was conducted by work teams who entered monasteries and nunneries to force monks and nuns to renounce Tibetan Independence; His Holiness the Dalai Lama; Gedhun Choekyi Nyima, the Panchen Lama. At Drepung Monastery near Lhasa, for example, 180 communist cadres were involved in the re-education sessions which began on 1 August 1996.

10. Human rights groups and other sources report more than 165 arrests and at least two deaths since China launched the campaign in monasteries and nunneries in Tibet. Twenty-four of the arrests were a direct result of monks questioning a work team's form of education. Tenchok Tenphel, a 27-year-old monk, was reportedly arrested at Sakya Monastery on 1 September 1996 in front of a re-education session. He died on 14 September at Sakya District Prison. Although according to the Chinese authorities, he died by "committing suicide", Tibetans allege that he had died as a result of torture in prison.

11. Another grave consequence from the above-mentioned campaign in Tibet is the expulsion of monks who refused to accept this Chinese policy. According to the Tibetan Centre for Human Rights and Democracy in India, 2,827 monks and nuns were expelled in 1996 and 1997. Many of the expelled monks and nuns fled to India and Nepal in recent months. "Those with a bad attitude to the studying and those with poor results or deliberately causing obstacles to the study will be severely criticized and their right to remain among other monks will be struck out", said an official notice handed to each monk at Sera monastery in mid-June 1996.

12. Two different ID-cards are being issued to monks and nuns in following the "re-education campaign". The holder of the red ID-card is considered a permanent, "official" member of the monastery or nunnery who has completed satisfactorily the "patriotic re-education" session and enjoy special privileges. The holder of the blue ID-card is considered to be a temporary monk or nun who has been admitted by the monastery or nunnery without the approval of the Democratic Management Committee and does not enjoy all the privileges. Holders of this card are placed on travel restrictions to within the region of domicile with the holder having to subsequently "prove loyalty to the nation" to obtain the red ID-card.

13. As regards the incommunicado detention of Gedhun Choekyi Nyima, the Eleventh Panchen Lama of Tibet, China after more than a year of denials, finally admitted to the Committee on the Rights of the Child and the Working Group on Enforced or Involuntary Disappearances (in May-June 1996), that the boy was in Beijing's custody. However, China continues to fail to declare publicly the whereabouts of Gedhun Choekyi Nyima and his parents. The Transnational Radical Party supports the decision of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1997/34) that China provide the Working Group with documents supporting its claim that Gedhun Choekyi Nyima and his parents had appealed to the Government for protection and at present are "leading normal lives and enjoying perfect health".

14. The April 1997 announcement of the sentencing of Chadrel Rinpoche, the former acting-abbot of Tashi Lhunpo monastery, the seat of the Panchen Lamas in Shigatse, to six years of prison term for "leaking State secrets" is a clear proof that he had been under incommunicado detention for more than two years. When reports of his arrest reached the outside world, China told reporters that Chadrel Rinpoche was sick and hospitalized. The whereabouts of Chadrel Rinpoche is still unknown after his arrest on 17 May 1995. According to some reports, he is being detained at a top-secret cell in Chuandong No. 3 Prison in Dazu district, in Sichuan province. Chadrel Rinpoche and his associates were imprisoned primarily because they defended Gedhun Choekyi Nyima as the reincarnation of the Tenth Panchen Lama.

15. The situation in Tibet clearly indicates that the Chinese authorities continue to impose severe restrictions on freedom of religion and that the overall situation of human rights there has deteriorated. The Transnational Radical Party urges the Commission on Human Rights, at its fifty-fourth session, to pay closer attention to the deteriorating situation of religious freedom in Tibet. We call upon the Commission's members to adopt a resolution to censure China for its human rights failures.

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Fifty-fourth session
Item 22 of the provisional agenda

THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

Written statement submitted by the Transnational Radical Party, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[19 February 1998]

Conscientious objection to military service in the Russian Federation

1. The right to conscientious objection to military service as a fundamental human right is recognized and guaranteed at international level, in particular by the United Nations Human Rights Committee (General Comment No. 22 of 1993) (Commission on Human Rights resolution 1995/83 of 8 March 1995); (Document of CSCE Copenhagen Conference on the Human Dimension, of 29 June 1990); by the Council of Europe (Recommendation No. R (87) 8 of the Committee of Ministers to Member States Regarding Conscientious Objection to Compulsory Military Service, of 9 April 1987); in the Rodata Report, adopted by Parliamentary Assembly of Council of Europe, (document 6752 of 29 January 1993); by the European Parliament (resolutions of 13 October 1989 and 11 March 1993; recommendation of 18 January 1984).

2. In the Russian Federation the conscientious objection right is guaranteed by the currently valid Constitution which was adopted on 12 December 1993: "The citizen of the Russian Federation whose convictions and faith are at odds with military service and also in other cases stipulated by the federal law shall have the right to the substitution of an alternative civil service for military service" (article 59.3). According to the actual federal law on military conscription and military service, all men between 18 and 27 who do not have any reason for respite, are subjected to obligatory military service. The federal law on alternative civil service whose draft has been adopted by the State Duma in the first lecture already in December 1994, has not yet been approved. Therefore, there is no legal procedure nowadays for granting alternative civilian service instead of a military one for conscientious objectors. Adopting and introducing such a law was among the obligations assumed by the Russian Federation on its adhesion to the Council of Europe in February 1996.

3. At the same time, according to its article 15, "The Constitution of the Russian Federation shall have supreme legal force and direct effect, and shall be applicable throughout the entire territory of the Russian Federation". Therefore, the conscientious objection right guaranteed by the Constitution represents from the juridical point of view an inalienable right of citizens even in the absence of a special federal law on alternative civilian service.

4. In practice, citizens' right on conscientious objection is being widely contested by military commissariats (territorial bodies of the Defence Ministry responsible for military call-up) and by recruitment commissions, formed by local civil authorities two times per year for the period of conscription campaigns. In violation of the Constitution, recruitment commissions take decisions to recruit conscientious objectors. Conscientious objectors whose rights have been violated in this way, may appeal to the courts against these decisions. However, the courts adjudge mostly in favour of recruitment commissions and against the conscientious objectors, deciding not on the basis of the constitutional norms but on the traditional idea of "holy duty of every real man". Such anti-constitutional decrees are taken by the courts of various levels, including the Supreme Court of the Russian Federation. Thus, on 23 November 1997, Alexey Antropov, from the Republic of Kabardino-Balkaria, received the answer for his appeal from the Supreme Court, where it has been stated that the respective norm of the Constitution has no

direct implementation in the absence of federal law on alternative civilian service. In other cases, the courts explain their negative decisions by stating that the applicant "did not manage to prove his convictions in an appropriate way", although article 29.3 of the Russian Constitution states clearly: "No one may be coerced into expressing one's views and convictions or into renouncing them".

5. According to article 25 of the federal law on military conscription and military service, in the case of appealing to the court against a decision of the recruitment commission, the implementation of this decision should be suspended until the last instance court's decision on the matter. In the majority of cases, however, military commissariats act on an illegal basis, violating the law: being assisted by the militia, they bring by force and intimidation to barracks those conscientious objectors who are waiting for a court's decision on their appeal.

6. Alexander Yakovenko who was waiting for a court's decision on his appeal, was kidnapped, on 15 December 1996, by the officers of miliary commissariat, beaten and brought by force to the recruitment point for dispatching to a military unit. Only after intervention of representatives of the Transnational Radical Party and journalists, the military released him. The same attempts were undertaken during 1997 against Vadim Vatutin, Ruslan Bikbov, Alexey Bykov in Moscow, Nikolay Mozzhukhin in Yaroslavl region. In certain cases, when serious violations of law become widely known to the public - like in Yakovenko's case - military authorities undertake some measures against the officers.

7. Thus, the military prosecutor of Moscow military district has opened the criminal lawsuit against illegal actions of the officers of Cheremushkinsky military commissariat of Moscow against Alexander Yakovenko. This lawsuit however has not yet been submitted to the court. One can assume that such a practice is widely spread, especially in provinces where human rights organizations are absent and cannot therefore make violations of legal rights of conscientious objectors known to the public.

8. The exact number of conscientious objectors in Russia is unknown, but it is sure there are thousands of them. According to the information from the Defence Ministry of the Russian Federation, only during the last year's spring conscription campaign (from April to June 1997) there were 675 formal conscientious objection statements submitted to the recruitment commissions. In the Moscow office of the Transnational Radical Party, where conscientious objectors appealing for help are being registered, there are 85 conscientious objection statements filed (on 10 February 1998).

9. Since 1996, military commissariats act on the basis of a secret directive of the Defence Ministry, which prescribes to the military commissariats to accept conscientious objection statements and to dispatch conscientious objectors to serve military service in units, where the service is not associated with "holding and using arms", giving them respective written guarantee if necessary. From the juridical point of view, however, this directive does not solve the problem of conscientious objection, because military service in any troops assumes obligatory military oath, obeying orders and military training. In practice, the conscripts who agreed to be

dispatched to such troops find themselves serving military service in so-called "construction battalions" in conditions much worse than any other military service, being subjected to torture and ill-treatment. For the same period of spring conscription campaign 1997, 50 conscripts out of 675 who submitted their conscientious objection statements, were sent for military service in such troops. However, the applicants do not always find themselves exactly in the troops where they have been supposedly dispatched according to the decision of the recruitment commission.

10. In many cases conscientious objectors have been criminally prosecuted according to article 328 of the Criminal Code of the Russian Federation ("evading military or alternative civilian service"). Before 1 January 1997, the old Criminal Code was valid and implemented, with its article 80 ("evading the ordinary call-up to the military service").

11. Vadim Gesse (Noginsk, Moscow region) declared in December 1995 to the recruitment commission his intention to serve an alternative civilian service instead of a military one. However, he got the order to join the army. After he did not appear at the recruitment point, on 25 January 1996 he was arrested, spent 40 days in prison and was released only after interventions of Amnesty International, Transnational Radical Party and a press campaign. On 13 May 1996 he was fully acquitted by the City Court of Noginsk.

12. Alexander Seregin, a Hare Krishna believer from Moscow, declared his conscientious objection to the recruitment commission in spring 1996, demanding the alternative civilian service. After he did not arrive at the recruitment point, the criminal lawsuit has been opened against him. On 24 October 1996, the Cheremushkinsky inter-municipal court of Moscow sentenced him conditionally to two years imprisonment. However, on 24 December 1996, Moscow City Court cancelled this sentence and acquitted Alexander Seregin.

13. Viktor Semenov (Noginsk, Moscow region) was arrested on 18 November 1997, and spent three days in prison. During this time, the vice prosecutor of Noginsk district, Mrs. Elena Frolova, extorted Semenov's consent to serve in the military, stating that he had "no other choice - either army or prison". Nowadays Viktor Semenov, although having been released, is still under investigation.

14. Vasily Bazhenov has been refused, on 4 April 1997, by Tushinsky inter-municipal court of Moscow in complying with his appeal against the recruitment commission which ignored his conscientious objection and decided to send him into the army. On 2 June 1997, Moscow City Court confirmed Tushinsky Court's decision. Since Bazhenov continued to insist on his constitutional right on conscientious objection, on 5 January 1998, Tushinsky prosecutor of Moscow opened a criminal lawsuit against him according to article 328 of the Criminal Code. Nowadays Vasily Bazhenov is under investigation.

15. Denis Yazykov is under investigation for the same accusation of "evading military service" already more than one year and a half, in Yekaterinburg. After his conscientious objection statement, the criminal lawsuit according to

article 328 of the Criminal Code has been opened against him. This lawsuit has not yet been submitted to the court and Yazykov is still under investigation.

16. Also a criminal lawsuit according to article 328 has been opened in October 1997 against Alexander Borodin (Moscow). He didn't arrive at the barracks after being sent there in spite of his declared conscientious objection and demand for substitution of military service for alternative civilian service. Nowadays the Alexander Borodin's case is being examined by Golovinsky Intermunicipal Court of Moscow.

17. Vitaly Anikeyev, from Novosibirsk, after having received the order to arrive for dispatching to the army, formally declared his conscientious objection and demanded alternative civilian service. He did not obtain any answer and on 18 November 1997 appealed to the court against illegal actions of the recruitment commission. However, on the same day, the criminal lawsuit according to article 328 was opened against him. Now he is waiting for a trial.

18. Igor Smorodin (Sterlitamak, Bashkir Republic) demanded in December 1996 the recruitment commission for the substitution of military service for the alternative civilian one. He did not obtain any answer and appealed to the court. The lawsuit has not been examined for a long time. On 5 November 1997, before any court's decision on the matter, the recruitment commission made a new decision to send Smorodin to military service. On 21 November 1997, the City Court of Sterlitamak decided in absentia to reject Smorodin's appeal. The court had not even informed Igor Smorodin about its appointed session. On 22 December 1997, Igor Smorodin was informed about opening the criminal lawsuit against him on the accusation of "evading military service" (article 328 of the Criminal Code). On 3 February 1998, he was arrested and placed into the prison where he faced pressure and intimidations forcing him to serve in military. On 6 February 1998 he was released, but the investigation continues.

19. In Novosibirsk at least two other conscientious objectors have been sentenced in 1997 to financial punishment for "evading military service".

20. At least one conscientious objector is nowadays imprisoned, being sentenced last year in Novosibirsk to six months imprisonment according to article 328 of the Criminal Code.

21. It is necessary to expect, however, that in reality the number of sentenced and/or imprisoned conscientious objectors is much higher, because only during the period from April to June 1997, the prosecutors have opened 3,000 criminal lawsuits according to article 328 of the Criminal Code.

22. It is therefore necessary to stress that serious and systematic violations of the fundamental right on conscientious objection are committed by the Russian Federation authorities against thousands of young Russian citizens. It represents a flagrant violation of both international obligations of the Russian Federation and its own Constitution.

23. The Transnational Radical Party appreciates the Commission's attention to the violations of conscientious objection right in the Russian Federation. We believe that the Commission on Human Rights should recommend that the General Assembly and the Secretary-General take urgent action to put an end to the violations of this fundamental right in the Russian Federation. We, therefore, call upon the Commission to adopt a strong resolution on conscientious objection at this session.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the American Association of Jurists, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[9 February 1998]

The situation of the judiciary in Peru

1. On 28 August 1997, the President of the American Association of Jurists received a letter from Mr. Vladimir Paz de la Barra, then President of the Lima Bar Association, Peru, which is summarized below.

2. "In Peru, democracy is turning towards dictatorship as a consequence of autocratic acts by the Fujimori Government, such as unconstitutional interference with the prosecution service and the judiciary, deactivating their respective governing bodies in order to replace them with executive committees of a political nature whose members are subordinate to the regime.

3. Through these new authorities of the prosecution service and the judiciary, it is easy for the Government to designate special prosecutors to 'investigate' cases of corruption involving important State figures and to appoint judges to try them 'impartially' and acquit them.

4. In the Congress of the Republic, a decision of the majority belonging to the ruling party removed three judges of the Constitutional Court - Delia Revoredo de Mur, Manuel Aguirre Roca and Guillermo Rey Terry - for having declared unconstitutional and thus inapplicable the Act on presidential re-election that was passed to enable Mr. Fujimori to stand for a third term of office.

5. President Fujimori's power base includes the top-ranking officers of the armed forces and his personal adviser, Vladimiro Montesinos, who established the National Intelligence Service (SIN) - originally intended to fight terrorism but now being used against people who criticize the regime. One female member of SIN who did not want to go on taking part in the agency's illegal activities was found dead, her body cut into pieces, and another who took the same position, Leonor La Rosa, was brutally tortured by her own colleagues. She survived, however, and has described the hellish acts perpetrated in the basement of the army headquarters building.

6. Some 15,000 electoral cards (documents normally held only by civilians) have been discovered in the possession of military personnel and were reportedly used in the elections through which Fujimori obtained his second term of office.

7. [...] The independent media are being threatened and attempts have even been made to wrest the ownership of television Channel 2 from lawyer and businessman Baruch Ivcher, who has been forced for reasons of safety to leave the country. According to Leonor La Rosa, SIN planned to kill the well-known journalist César Hildebrandt, as well as Mrs. La Rosa's lawyer, Heriberto Benítez.

8. The Lima Bar Association has denounced all these acts in order to protect the rule of law. [...] I believe that if our Association continues this campaign in defence of democracy, its leaders will be exposing themselves and their families to the greatest possible risk.

9. We request that the Peruvian Government be called upon to take every step to provide for the safety of the members of the Association's Governing

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10. The letter ends with a call for international solidarity.